

United States District Court for the

Middle District of Pennsylvania

FILED
SCRANTON

OCT 24 2011

Norman N. Shelton

Plaintiff

"vs"

No: 4-CV-11-0368

PER

DEPUTY CLERK

(Judge Nealon)

defendants:

Warden Bledsoe et al

Declaration in Opposition to
Defendants Motion For Summary judgment.

Norman Shelton, declares under penalty of perjury:

1.) I am the plaintiff in the above entitle case. I make this declaration in opposition to defendants motion for summary judgement on my claims concerning, Deliberate indifference to my safety and excessive use of force with regard to events surrounding an August 30, 2009 assault upon him by his cellmate, and claims of being denied medical care.

2.) The Defendants are not entitled to summary judgement because these are genuine issues of material fact to be resolved. These issues are identified in the accompanying statements of Disputed factual issues filed by plaintiff pursuant to Rule _____, of the local rules of this district Court. The facts are set out in this declaration.

3.) Plaintiff brought this instant action to this Honorable Court seeking relief from defendants, mistreatment, harassment, And most of all the use of excessive force. The reality of the facts are not disputable, However they do need to be resolved before this Honorable Court Based upon the evidence presented.

By Plaintiff, exhausting his administrative remedy's, In addition to Plaintiff sending the Court, Affidavits, Bloody Bandages, and still request the Court send in an investigator to take picture of plaintiff wounds along with a polygraph test to the events of August 30, 2009, and Nov. 26, 2009.

4.) On August 30, 2009, Plaintiff was assaulted by His cell-mate After both plaintiff and the Blood gang member brought it to the named defendants herein attention giving the actual knowledge that plaintiff and the gang member would not get along, even at intake of plaintiff coming into the institution Plaintiff was asked who do you not get along with? And what group of people should we keep you away from? Plaintiff answered all their questions and they refused to address Plaintiff needs and concerns.

5.) Plaintiff was in his handcuffs behind his back, Plaintiff cell-mate jumped him by punching, and kicking Plaintiff to his face and body, causing Plaintiff to bleed from his mouth, nose, and eyes, % Whittaker, L.T. Heath, % Raup-Potter, L.T. Galletta stood there and watched and did nothing to stop it. After the gang member stopped on his own, % Raup, Whittaker Heath, Potter, L.T. Galletta rushed in the cell shooting gas into Plaintiff already bleeding eye's and face, and ~~slammed~~ Plaintiff to the floor face first.

6.) L.T. Heath put her knee in the back of Plaintiff's neck and Whittaker, Potter, Raup, punched and kicked Plaintiff and Galletta. Plaintiff stated to the above defendants that Plaintiff could not breath, Potter and Raup, Whittaker stated we don't care if you could breath,

7.) On Nov. 25, 2009, on G-Block cell (211) % Raup and Zieder force Plaintiff into Plaintiff's cell after Plaintiff stated he donot cell with gang members and that it would not work out between the two of them. The gang member a crip told them he did not want to cell with me. They threaten Plaintiff, stating if you dont take him in this cell with you, we will have the assault team come and gas you and put you in restraints. After Plaintiff took the gang member in his cell against his will and wishes, on Nov. 26, 2009 the gang member from the Crips jumped Plaintiff from behind when Plaintiff went to place the food trays out to the % Fisher.

8.) % Woffat % Combee % Raup % Zieder % Kalago % Fisher stood there looking and did nothing to stop it. They failed to excercise their duty of care that they owe to all prisoner's from harm, or assault from other prisoner's. Plaintiff gave foreseeable risk of harm a Notice of Request to Warden Bledsoe, Asst. Young captain Trate A.W. Hudson and they did nothing to abate it, nor did the change from the old practice of placing Plaintiff in cells with gang members.

Conclusion

9.) Defendants motion to dismiss and motion for summary judgment, directed at Plaintiff's original complaint (Doc. #2) was Dismissed by this Honorable Court as moot. The Court did not error in that finding and judgment, And the defendants motion for summary judgment should be dismissed now as it was then, the issues of assault and being attacked by the hands of Plaintiff's cellmate's and forced into the cells with his attackers against his will and wishes did not go away, the violation of the Constitution of the United States of America made by the defendants have not received the

Penalty's and punishment they should for the wrong that they have done towards Plaintiff and breaking the law. For those above reasons the defendants motion for Summary judgment should be dismissed.

Certificate of Service

I declare under the penalty of perjury that the foregoing is true and correct to the very best of my knowledge that I've place enclosed motion in the mail box to be mailed to the following address.

to,

United States District Court
William J. Meadon Federal BLDG U.S. courthouse
235 North Washington Avenue
P.O. Box 11418
Scranton Pa. 18501-11418

and

United States Attorney's offices
Middle district of Pennsylvania
228 Walnut street, suite 220
Harrisburg Pa. 17118-1754

dated 10/11

Norman E. Shatto
C.I.S.P.L. #45962066
P.O. Box 1000
Lewisburg Pa. 17837

Inmate Name: Norman G. Shellton
Register Number: 45069-066
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

(BS)

10/19/11

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United States District Court
William J. Glendon Federal Bldg. U.S. Courthouse
225 North Washington Avenue
P.O. Box 1148
Scranton Pa. 18501-1148

Legal Mail

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